

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOSE L. GARCIA,

Plaintiff,

v.

CITY OF PERTH AMBOY, SERGEANT
PANAGIOTI BOULIERIS, PTL. ANTHONY
GARCIA

Defendants.

Case No. 2:23-cv-22903 (BRM) (MAH)

ORDER

THIS MATTER is before the Court on a Motion to Dismiss filed pursuant to Federal Rule of Civil Procedure 12(b)(6) by Defendants City of Perth Amboy, Sergeant Panagioti Boulrieris, and PTL. Anthony Garcia (collectively, “Defendants”). (ECF No. 10.) Plaintiff filed an Opposition (ECF No. 22), and Defendants filed a Reply (ECF No. 23). Having reviewed the submissions filed in connection with the Motion and having declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth in the accompanying Opinion and for good cause having been shown,

IT IS on this 4th day of September 2024,

ORDERED that Defendants’ Motion to Dismiss (ECF No. 10) is **GRANTED**; and it is further

ORDERED that the Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that Plaintiff shall have thirty (30) days from the date of this Order to file a first amended complaint curing the deficiencies addressed in the accompanying Opinion; failure to do so will result in dismissal with prejudice; and it is further

ORDERED that Defendants may respond to the first amended complaint, if filed, as appropriate and consistent with applicable federal and local rules.

/s/ *Brian R. Martinotti*
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE